

Southern Division

Defendant.

Judge Alexander Williams

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Jeff Schmidt hereby responds to Defendant's First Set of Document Requests.

2. Dr. Schmidt objects to Plaintiff's requests insofar as those requests exceed the scope of discovery permissible under the rules of this Court and the Federal Rules of Civil Procedure.

3. Dr. Schmidt objects to all demands for documents which call for legal conclusions or opinions.

RESPONSES TO DEFENDANT'S DOCUMENT REQUESTS

REQUEST NO. 1:

Any and all documents substantiating, referring or related to any allegation in Plaintiff's First Amended Complaint of wrongful conduct by Defendant.

RESPONSE TO REQUEST NO. 1:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as overbroad, unduly burdensome and vague. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 2:

Any and all documents substantiating, referring or relating to any agreement(s) and/or contract(s) between Plaintiff and Defendant.

RESPONSE TO REQUEST NO. 2:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as overbroad, unduly burdensome and vague. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 3:

The contract referred to in Count I of the Plaintiff's First Amended Complaint.

RESPONSE TO REQUEST NO. 3:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 4:

Any and all documents relating to, summarizing or setting forth all or part of any communication, whether oral or written, between Plaintiff and Defendant, or any representative of Defendant, regarding the claims asserted in Count I of Plaintiff's First Amended Complaint.

RESPONSE TO REQUEST NO. 4:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as overbroad, unduly burdensome and vague. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 5:

Any and all documents relating to, summarizing or setting forth all or part of any communication, whether oral or written, between Plaintiff and Defendant, or any representative of Defendant, regarding the claims asserted in Count II of Plaintiff's First Amended Complaint.

RESPONSE TO REQUEST NO. 5:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 6:

Any and all documents relating to, summarizing or setting forth all or part of any communication, whether oral or written, between Plaintiff and Defendant, or any representative of Defendant, regarding the claims asserted in Count III of Plaintiff's First Amended Complaint.

RESPONSE TO REQUEST NO. 6:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 7:

Any and all documents relating to, summarizing or setting forth all or part of any communication, whether oral or written between Plaintiff and Defendant, or any representative of Defendant, regarding the claims asserted in Count IV of Plaintiff's First Amended Complaint.

RESPONSE TO REQUEST NO. 7:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as overbroad, unduly burdensome and vague. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 8:

Any and all documents relating to, summarizing or setting forth all or part of any communication, whether oral or written, between Plaintiff and Defendant, or any representative or Defendant, regarding the claims asserted in Count V of Plaintiff's First Amended Complaint.

RESPONSE TO REQUEST NO. 8:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as overbroad, unduly burdensome and vague. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 9:

Any and all documents relating to, summarizing or setting forth all or part of any communication, whether oral or written, between Plaintiff and Defendant, or any representative of Defendant, regarding the claims asserted in Count VI of Plaintiff's First Amended Complaint.

RESPONSE TO REQUEST NO. 9:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as overbroad, unduly burdensome and vague. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 10:

All documents relating to the terms and conditions of Plaintiff's employment with Defendant, including without limitation, employee handbooks, benefit plans, memoranda and policy statements received or obtained by Plaintiff.

RESPONSE TO REQUEST NO. 10:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as being overbroad, unduly burdensome and vague. Dr. Schmidt also objects to this request to the extent the documents sought are in the possession, custody and control of Defendant. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 11:

All documents (excluding the Complaint herein) setting forth Plaintiff's version of events that form the basis of Plaintiff's claims of a) breach of contract; b) detrimental reliance; c) breach of implied covenant of good faith and fair dealing; d) a violation of 42 U.S.C. 1981; e) a violation of 42 U.S.C. 1983; and f) any other allegations of wrongful conduct by Defendant, including, by way of example only, any diary, log, or memorandum prepared by Plaintiff.

RESPONSE TO REQUEST NO. 11:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as overbroad, unduly burdensome and vague. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Dr. Schmidt also objects to this request to the extent it seeks information protected by the attorney-client privilege or is attorney work product. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 12:

Any and all reports provided to Plaintiff, or anyone acting in his behalf, by any expert or experts, contacted or retained for the purpose of this litigation or received by any expert from Plaintiff.

RESPONSE TO REQUEST NO. 12:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as overbroad, unduly burdensome and vague. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control. Dr. Schmidt notes that on or about April 11, 2005, Defendant was served with the expert report of Dr. Amy McCarthy and all supporting documents on which she relied.

REQUEST NO. 13:

All documents relating to Plaintiff's alleged damages resulting from Defendant's alleged unlawful conduct and the computation thereof.

RESPONSE TO REQUEST NO. 13:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control. Dr. Schmidt notes that on or about April 11, 2005, Defendant was served with the expert report of Dr. Amy McCarthy and all supporting documents on which she relied.

REQUEST NO. 14:

Any and all documents substantiating, relating or referring to Plaintiff's allegations in paragraph 17 of Plaintiff's First Amended Complaint that Plaintiff led an effort to request that Defendant change its hiring procedures.

RESPONSE TO REQUEST NO. 14:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 15:

Any and all documents substantiating, relating or referring to Plaintiff's allegations in paragraph 24 of Plaintiff's First Amended Complaint that Defendant delivered notice to Plaintiff on October 1, 1997 that his actions were "counterproductive."

RESPONSE TO REQUEST NO. 15:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 16:

Any and all documents substantiating, relating or referring to Plaintiff's allegations in paragraph 25 of Plaintiff's First Amended Complaint that he was continuously and harshly criticized in the period of time after October 17, 1997.

RESPONSE TO REQUEST NO. 16:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 17:

Any and all documents substantiating, relating or referring to Plaintiff's allegations in paragraph 28 of Plaintiff's First Amended Complaint that he sent Mr. Brodsky a memorandum on or around November 5, 1997.

RESPONSE TO REQUEST NO. 17:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 18:

Any and all documents substantiating, relating or referring to Plaintiff's allegations in paragraph 33 of Plaintiff's First Amended Complaint that all private conversations at work would be subject to monitoring by management.

RESPONSE TO REQUEST NO 18:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 19:

Any and all documents substantiating, relating or referring to Plaintiff's allegations in paragraph 48 of Plaintiff's First Amended Complaint that he wished to carry over vacation time from 1999 to 2000, but was denied such request from defendant.

RESPONSE TO REQUEST NO. 19:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 20:

Any and all documents substantiating, relating or referring to Plaintiff's efforts to obtain employment, other than with Defendant (including self-employment) during 2000, 2001, 2002, 2003, 2004 and 2005, including, but not limited to, resume(s), correspondence with prospective employers and employment agencies, proposals for the engagement of Plaintiff's services, referral letters, letters of recommendation, and application for employment.

RESPONSE TO REQUEST NO. 20:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein.

Dr. Schmidt objects to this request as overbroad, unduly burdensome and vague. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 21:

Any and all documents substantiating, relating or referring to any offers of employment or engagement of Plaintiff's services made to Plaintiff during 2000, 2001, 2002, 2003, 2004 and 2005.

RESPONSE TO REQUEST NO. 21;

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as overbroad, unduly burdensome and vague. Dr. Schmidt also objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 20. Subject and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 22:

Any and all written statements, including, without limitation, tape recordings, rendered by persons contacted or interviewed by or in behalf of Plaintiff in connection with the claims asserted in the First Amended Complaint.

RESPONSE TO REQUEST NO. 22:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as vague and overbroad. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 23:

Any and all documents relating in any way to the claims asserted in the First Amended Complaint, which were received by Plaintiff from, or provided to Plaintiff by: (a) Defendant; (b) any prospective employer while Plaintiff was employed by Defendant; (c) any employee or other representative of Defendant; (d) any law enforcement authority or court system, including grand jury proceedings; or, (h) any other governmental agency or forum, including the Prince George County Commission on Human Rights, the NLRB and the EEOC.

RESPONSE TO REQUEST NO. 23:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 24:

Plaintiff's Federal, State, and local tax returns, and all attachments and W-2 forms and 1099 forms for calendar years 2000, 2001, 2002, 2003, 2004 and 2005.

RESPONSE TO REQUEST NO. 24:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 25:

All employment records possessed by Plaintiff relating to his employment with Defendant, included by not limited to time sheets, paystubs, performance evaluations and any appeal of any performance review brought by Plaintiff.

RESPONSE TO REQUEST NO. 25:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as vague, overbroad and unduly burdensome. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1.

Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 26:

Any and all correspondence, e-mails or documents between Plaintiff and any co-worker relating to purported retaliatory and discriminatory conduct by Defendant.

RESPONSE TO REQUEST NO. 26:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request. No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 27:

Any and all documents that establish or show that any employee of Defendant received more favorable treatment than Plaintiff because Plaintiff made a complaint of any kind.

RESPONSE TO REQUEST NO. 27:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 28:

All documents not specifically requested in the foregoing Requests for Production of Documents, which Plaintiff believes will support, rebut or in any way related to his claims in this matter.

RESPONSE TO REQUEST NO. 28:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as vague, overbroad and unduly burdensome. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control.

REQUEST NO. 29:

Any and all documents Plaintiff intends to offer into evidence at trial.

RESPONSE TO REQUEST NO. 29:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt objects to this request as cumulative and unnecessarily duplicative pursuant to Request No. 1. Dr. Schmidt also objects to this request as premature. Subject to and without waiving these objections, Dr. Schmidt will produce responsive, non-privileged documents, if any, within Dr. Schmidt's possession, custody or control. Dr. Schmidt will provide any and all documents he intends to offer into evidence at trial pursuant to the pre-trial scheduling issued by Judge Alexander Williams.

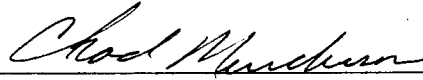
REQUEST NO. 30:

Any and all documents relating to Plaintiff's arrangement with his attorney for his representation in this action, including, but not limited to, any retainer agreement between Plaintiff and his attorney and any other documents relating to or supporting any claim by Plaintiff that he is entitled to "attorney's fees".

RESPONSE TO REQUEST NO. 30:

Dr. Schmidt incorporates his general objections by reference as if fully set forth herein. Dr. Schmidt also objects to this request on the ground of attorney-client privilege. Finally, Dr. Schmidt objects to this request as seeking documents that are irrelevant and not likely to lead to the discovery of admissible evidence.

Respectfully submitted,



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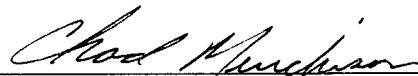
Dated: May 11, 2005

*Attorneys for
Jeff Schmidt*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing, Jeff Schmidt's Response to Defendant's First Request For Production of Documents, was served by Federal Express Overnight Delivery, this 11th day of May, 2005 upon:

Wendy J. Mellk
JACKSON LEWIS LLP
58 South Service Road
Suit 410
Melville, NY 11747

A handwritten signature in cursive script, reading "Chad Murchison", is written over a horizontal line.

Chad Murchison



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May 11, 2005

FEDERAL EXPRESS

Wendy Mellk
58 South Service Road
Suite 400
Melville, NY 11747

Ms. Mellk,

Enclosed please find a copy of Jeff Schmidt's Responses to Defendant's Request for Production of Documents and Jeff Schmidt's document production. Please contact me immediately if you have any questions regarding Dr. Schmidt's document production.

Sincerely,

A handwritten signature in cursive script that reads "Chad Murchison".

Chad Murchison